

**REMARKS*****Summary of the Amendment***

Upon entry of the above amendment, claim 15 will have been amended. Accordingly, claims 1 – 34 currently remain pending.

***Summary of the Official Action***

In the instant Office Action, the Examiner has objected to the abstract and claim 15 based upon informal matters and has rejected claims 1 – 34 over the art of record. By the present amendment and remarks, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

***Interview with Examiners Hinze and Hirschfeld***

Applicants gratefully acknowledge the courtesy extended to their representative by Examiners Hinze and Hirschfeld in conducting a personal interview on September 21, 2004. In the interview, the distinguishing features of the present invention were discussed, and Applicants noted that the primary document of BLAU does not disclose a tempering device to control the temperature of the ink. To this, the Examiner clarified his position that he believes the primary document of BLAU discloses automatic compensation for changes in printing ink consistency by compensating for changes in temperature.

***Traversal of Objection to Abstract***

Applicants traverse the Examiner's objection to the specification. While the Examiner asserts that the last line of the Abstract contains language that should be avoided, the rule

reproduced by the Examiner in the instant Office Action only provides that the “form and legal phraseology often used in patent claims, such as ‘mean’ and ‘said,’ should be avoided.” Because the Patent Office rules do not prohibit the language utilized in the last sentence of Applicants’ Abstract, Applicants submit that the instant Abstract is in proper form, and request that the Examiner reconsider and withdraw the objection in the next official communication.

***Claim Objection are Moot***

Applicants submit that, as claim 15 has been amended in accordance with the Examiner’s suggestions, the objection to this claim is moot. Accordingly, Applicants request that the Examiner reconsider and withdraw the objection to claim 15 in the next official communication.

***Traversal of Rejection Under 35 U.S.C. §102(b)***

Applicants traverse the rejection of claims 1 – 3, 12, 13, 16, 18 – 21, 28, and 32 – 34 under 35 U.S.C. §102(b) as being unpatentable over BLAU et al. (U.S. Patent No. 2001/0013289) [hereinafter “BLAU”]. The Examiner asserts that BLAU shows the features recited in the above-noted claims. Applicants traverse the Examiner’s assertions.

Applicants’ independent claim 1 recites, *inter alia*, a printing mechanism of a machine of the tobacco processing industry comprising a tempering device, and independent claim 18 recites, *inter alia*, adjusting a temperature of ink in the printing mechanism via the tempering device. Applicants submit that BLAU fails to disclose at least the above-noted features.

Applicants note that, to ensure consistent printing quality, the instant invention

provides a tempering device to control the temperature of the ink. In this regard, the Examiner's attention is directed to paragraphs [0009] – [0015] of the instant application.

In contrast to the instant invention, Applicants note that BLAU fails to provide any disclosure of a tempering device, and fails to provide any disclosure of any device for controlling temperature. In particular, Applicants note that BLAU discloses a device for printing in which structural elements change shape in order to *compensate* for temperature changes in the machine. While the Examiner notes that paragraph [0012] of BLAU refers to changes in consistency of printing ink, Applicants note that this paragraph discloses that the apparatus automatically compensates for changes in consistency (and/or temperature), but does not include any structure to control the consistency (and/or temperature) of the ink. In this regard, the Examiner's attention is directed to paragraph [0047] of BLAU, which discloses that changes in temperature can have rather pronounced effects on expansion and contraction of the parts of the apparatus, such that, if compensation were not provided in the manner set forth in the BLAU patent, printing quality would be affected.

Because BLAU fails to disclose a tempering device, as recited in at least independent claim 1, and fails to disclose adjusting the temperature of the ink via a tempering device, as recited in at least independent claim 18, Applicants submit that the applied art fails to show each and every recited feature of the present invention. Accordingly, Applicants submit that the Examiner has failed to provide any adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. §102(b) and that the instant rejection should be withdrawn.

Further, Applicants submit that claims 2, 3, 12, 13, 16, 19 – 21, 28, and 32 – 34 are

allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by BLAU, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 – 3, 12, 13, 16, 19 – 21, 28, and 32 – 34 under 35 U.S.C. §102(b) and indicate that these claims are allowable.

***Traversal of Rejection Under 35 U.S.C. §103(a)***

1. *Over Blau in view of Voge*

Applicants traverse the rejection of claims 4, 5, 12, 22, 23, and 29 under 35 U.S.C. §103(a) as being unpatentable over BLAU in view of VOGÉ (U.S. Patent No. 6,516,712). The Examiner asserts that it would have been obvious to one ordinarily skilled in the art to modify BLAU to include a cartridge heater and heater in the ink nozzle, as taught by VOGÉ. Applicants traverse the Examiner's assertions.

Applicants note that it is not apparent from the Examiner's rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of VOGÉ. In particular, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine. Thus, because the apparatus adapts itself to changes in temperature, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by

the Examiner.

Moreover, Applicants note that the applied documents of record fail to teach the requisite motivation or rationale for combining BLAU and VOGÉ as suggested by the Examiner. Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature, to ensure printing quality, it is not apparent why one ordinarily skilled in the art would modify BLAU to heat the printing ink.

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, VOGÉ discloses an industrial printing apparatus, which does not lend itself to use in the cramped confines of a cigarette production device. Thus, Applicants submit that, simply due to the extreme difference in size, it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of VOGÉ.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU and VOGÉ teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 4, 5, 14, 22, 23, and 29 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not

disclosed by any proper combination of BLAU in view of VOGEL, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 4, 5, 14, 22, 23, and 29 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

2. Over Blau in view of Rossmeisl

Applicants traverse the rejection of claims 6, 15, 17, 30, and 31 under 35 U.S.C. §103(a) as being unpatentable over BLAU in view of ROSSMEISL et al. (U.S. Patent No. 6,324,973) [hereinafter “ROSSMEISL”]. The Examiner asserts that it would have been obvious to one ordinarily skilled in the art to modify BLAU to include a temperature and pressure sensor in or around the ink nozzle, as taught by ROSSMEISL. Applicants traverse the Examiner’s assertions.

Applicants note that it is not apparent from the Examiner’s rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of ROSSMEISL. In particular, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine. Thus, because the apparatus adapts itself to changes in temperature, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner, especially since the applied art does not even suggest using printing ink or a similar material.

Moreover, Applicants note that the applied documents of record fail to teach the

requisite motivation or rationale for combining BLAU and ROSSMEISL as suggested by the Examiner. Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature or pressure, to maintain print quality, it is not apparent why one ordinarily skilled in the art would modify BLAU to monitor temperature and pressure.

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, ROSSMEISL discloses a stencil printer for printing solder paste onto printed circuit boards, which does not even remotely suggest an obvious modification for BLAU. Thus, Applicants submit that, simply due to the extreme difference in size, it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of ROSSMEISL.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU and ROSSMEISL teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 6, 15, 17, 30, and 31 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of BLAU in view of ROSSMEISL, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 6, 15, 17, 30, and 31 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

3. Over Blau in view of Feller

Applicants traverse the rejection of claims 7 – 9 under 35 U.S.C. §103(a) as being unpatentable over BLAU in view of FELLER (U.S. Patent No. 6,065,402). The Examiner asserts that it would have been obvious to one ordinarily skilled in the art to modify BLAU to include a cooling plate, as taught by FELLER. Applicants traverse the Examiner's assertions.

Applicants note that it is not apparent from the Examiner's rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of FELLER. In particular, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine. Thus, because the apparatus adapts itself to changes in temperature, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner.

Moreover, Applicants note that the applied documents of record fail to teach the requisite motivation or rationale for combining BLAU and FELLER as suggested by the Examiner. Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature, in order to maintain print quality, it is not apparent why one ordinarily skilled in the art would modify BLAU to



heat the printing ink.

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, FELLER discloses an industrial printing apparatus, which does not lend itself to use in the cramped confines of a cigarette production device. Moreover, Applicants note that the applied art fails to provide any teaching or suggestion that BLAU would benefit from the use of cooling plate. Thus, in view of the foregoing, Applicants submit that it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of FELLER.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU and FELLER teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 7 – 9 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of BLAU in view of FELLER, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 7 – 9 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

4. Over Blau in view of Feller and further in view of Ayres, Jr.

Applicants traverse the rejection of claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over BLAU in view of FELLER, and further in view of AYRES, Jr. et al. (U.S. Patent No. 5,810,927) [hereinafter “AYRES, Jr.”]. The Examiner asserts that it would have been obvious to one ordinarily skilled in the art to modify the asserted combination of BLAU in view of FELLER to include a temperature control device, as taught by AYRES, Jr. Applicants traverse the Examiner’s assertions.

Applicants note that, as it is not apparent from the Examiner’s rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of FELLER, it is likewise not apparent how or why one ordinarily skilled in the art would additionally modify BLAU to include the features of AYRES, Jr. In particular, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine, and that there is no teaching or suggestion for modifying this apparatus to include the various identified features of FELLER and AYRES, Jr. Thus, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner.

Moreover, Applicants note that the applied documents of record fail to teach the requisite motivation or rationale for combining BLAU, FELLER and AYRES, Jr. as suggested by the Examiner. Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature, to provide consistent print quality, it is not apparent why one ordinarily skilled in the art

would modify BLAU to heat the printing ink.

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, FELLER and AYRES, Jr. disclose industrial printing apparatuses, which does not lend themselves to use in the cramped confines of a cigarette production device. Thus, Applicants submit that, simply due to the extreme difference in size, it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of FELLER and AYRES, Jr.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU, FELLER and AYRES, Jr. teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 10 and 11 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of BLAU in view of FELLER and further in view of AYRES, Jr., these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 10 and 11 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

5. Over Blau in view of Voge and further in view of Feller

Applicants traverse the rejection of claims 24 – 26 under 35 U.S.C. §103(a) as being unpatentable over BLAU in view of VOGÉ and further in view of FELLER. The Examiner asserts that it would have been obvious to one ordinarily skilled in the art to modify the asserted combination of BLAU in view of VOGÉ to include a cooling plate, as taught by FELLER. Applicants traverse the Examiner's assertions.

Applicants note that, as it is not apparent from the Examiner's rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of VOGÉ, it is likewise not apparent how or why one ordinarily skilled in the art would additionally modify BLAU to include the features of FELLER. In particular, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine, and that there is no teaching or suggestion for modifying this apparatus to include the various identified features of VOGÉ and FELLER. Thus, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner.

Moreover, Applicants note that the applied documents of record fail to teach the requisite motivation or rationale for combining BLAU, VOGÉ, and FELLER, as suggested by the Examiner. Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature, to provide consistent print quality, it is not apparent why one ordinarily skilled in the art would modify BLAU to heat the printing ink.

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, VOGÉ and FELLER disclose industrial printing apparatuses, which does not lend themselves to use in the cramped confines of a cigarette production device. Thus, Applicants submit that, simply due to the extreme difference in size, it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of VOGÉ and FELLER.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU, VOGÉ and FELLER teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claims 24 – 26 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of BLAU in view of VOGÉ and further in view of FELLER, these further claims are separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 24 – 26 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

6. Over Blau in view of Voge and further in view of Ayres, Jr.

Applicants traverse the rejection of claim 27 under 35 U.S.C. §103(a) as being

unpatentable over BLAU in view of VOGÉ and further in view of AYRES, Jr. The Examiner asserts that it would have been obvious to one ordinarily skilled in the art to modify the asserted combination of BLAU in view of FELLER to include a temperature control device, as taught by AYRES, Jr. Applicants traverse the Examiner's assertions.

Applicants note that, as it is not apparent from the Examiner's rejection how or why one ordinarily skilled in the art would modify BLAU to include the features of VOGÉ, it is likewise not apparent how or why one ordinarily skilled in the art would additionally modify BLAU to include the features of AYRES, Jr. In particular, Applicants note that BLAU is specially designed with rollers that change shape and pressing force to compensate for temperature changes in the machine, and that there is no teaching or suggestion for modifying this apparatus to include the various identified features of VOGÉ and AYRES, Jr. Thus, Applicants submit that it is not apparent why or how one ordinarily skilled in the art would modify BLAU in the manner asserted by the Examiner.

Moreover, Applicants note that the applied documents of record fail to teach the requisite motivation or rationale for combining BLAU, VOGÉ and AYRES, Jr. as suggested by the Examiner. Further, as the temperature changes compensated by BLAU relate to temperature changes created by frictional forces in the machine, not ink temperature, to provide consistent print quality, it is not apparent why one ordinarily skilled in the art would modify BLAU to heat the printing ink.

Further, Applicants note that, in contrast to BLAU, which teaches a printing mechanism for printing a cigarette paper, VOGÉ and AYRES, Jr. disclose industrial printing

apparatuses, which does not lend themselves to use in the cramped confines of a cigarette production device. Thus, Applicants submit that, simply due to the extreme difference in size, it would not have been obvious to one ordinarily skilled in the art to modify BLAU to include the features of VOGÉ and AYRES, Jr.

Thus, because the art of record fails to provide the necessary motivation or rationale for combining the art of record in the manner asserted by the Examiner, Applicants submit no proper combination of BLAU, VOGÉ and AYRES, Jr. teach or suggest the combination of features recited in at least the independent claims.

Further, Applicants submit that claim 27 is allowable at least for the reason that it depends from allowable base claims and because it recites additional features that further define the present invention. Moreover, Applicants submit that, as the above-noted claims recite additional features of the invention not disclosed by any proper combination of BLAU in view of VOGÉ and further in view of AYRES, Jr., this further claim is separately patentable over the art of record.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claim 27 under 35 U.S.C. §103(a) and indicate that these claims are allowable.

***Application is Allowable***

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. " 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

***Authorization to Charge Deposit Account***

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner=s Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

**CONCLUSION**

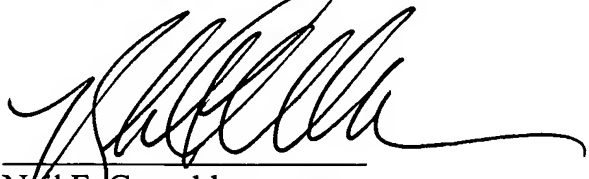
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 - 34. The claims have been amended to eliminate any arguable basis for formal rejection. In addition, the applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.



Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,  
Reinhard STÜBER, et al.

  
\_\_\_\_\_  
Neil F. Greenblum  
Reg. No. 28,394 *KA 35.043*

September 30, 2004  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191